

# EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

DYSON, INC. and DYSON TECHNOLOGY  
LIMITED,

*Plaintiffs,*

v.

SHARKNINJA, INC.,  
OMACHRON ALPHA INC., and  
OMACHRON INTELLECTUAL PROPERTY  
INC.,

*Defendants.*

Case No. 2:24-cv-386-JRG

**JURY TRIAL DEMANDED**

**DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS**

Pursuant to Patent Local Rules 3-1 and 3-2, Plaintiffs Dyson, Inc. and Dyson Technology Limited (collectively, “Dyson”) hereby provide their disclosure of asserted claims and infringement contentions as to U.S. Patent Nos. 8,302,250; 8,117,712; 7,603,745; 8,444,731; 8,100,999; 10,433,687; 9,021,655; 10,292,556; and 10,786,127. Dyson makes this disclosure based upon information presently known and reasonably available to it as of the date hereof. This disclosure of asserted claims and infringement contentions, and the accompanying appendices, are preliminary, as discovery has not yet commenced in this action and as SharkNinja, Inc. (“SharkNinja”), Omachron Alpha Inc. (“Omachron Alpha”), and Omachron Intellectual Property Inc. (“Omachron IP”) (collectively, “Defendants”) have not produced any technical documents. As Dyson’s investigation is ongoing, Dyson reserves the right to amend, modify, supplement, and/or narrow any portion of this disclosure of asserted claims and infringement contentions, including, but not limited to, the identification of asserted claims, the products and/or services accused of infringement, and the bases and manner of infringement.

To the maximum degree allowed by the Federal Rules of Civil Procedure, the Court's Local Rules, and any scheduling orders entered in this action, Dyson reserves its right to amend, modify, supplement, and/or narrow this disclosure of asserted claims and infringement contentions as appropriate, as the case develops.

To the extent the Court later allows Dyson to amend its infringement contentions and/or assert one or more claims other than the asserted claims, Dyson reserves the right to modify, amend, or supplement this disclosure of asserted claims and infringement contentions accordingly.

These infringement contentions are based on Dyson's current understanding of the asserted claims. A *Markman* Order in this case has not yet been issued. Dyson reserves all rights to later challenge or oppose any claim constructions advanced by Defendants and to present its own claim construction positions.

Dyson further reserves the right to revise these infringement contentions in view of the Court's construction of terms and phrases recited in one or more of the asserted claims, additional information obtained during discovery, theories put forth by Defendants during fact and/or expert discovery, and/or positions that Defendants, their fact witnesses, or their expert witness(es) may take concerning claim construction, infringement, and/or invalidity issues.

Dyson further reserves the right to supplement its accompanying P.R. 3-2 document production should it later discover additional documents, information, testimony, and/or information provided by third parties after the date of service of these infringement contentions.

Because discovery has just recently begun, Dyson anticipates that additional information may be found. Dyson's investigation and analysis is continuing, and thus Dyson reserves the right to supplement, amend, and/or revise the information provided herein as Dyson conducts further investigation and/or analysis.

Additionally, in view of likely third-party discovery that will be taken, Dyson reserves the right to supplement, amend, and/or revise the asserted claims and infringement charts based on information located during discovery or further investigation.

Dyson reserves the right to supplement or otherwise amend these infringement contentions in response to any relevant discovery provided by third parties, Defendants, opening or rebuttal expert reports, fact or expert depositions, or in response to any claim construction ruling(s) issued by this Court (regardless of how and when such ruling is made). Dyson also reserves the right to supplement or otherwise amend these infringement contentions in response to any rebuttal evidence disclosed by Defendants or as otherwise may be necessary or appropriate under the circumstances.

### **Local Patent Rule 3-1**

#### **(a) Identification of Infringed Claims**

Defendants have directly and indirectly infringed and continue to directly and indirectly infringe the below Asserted Claims pursuant to 35 U.S.C. §271(a).

'250 Patent: Claims 1-20

'712 Patent: Claims 1-8

'745 Patent: Claims 1-15

'731 Patent: Claims 1, 4-7, 9, 11-14

'999 Patent: Claims 1-14, 16

'687 Patent: Claims 1-4, 6-11

'655 Patent: Claims 1-8, 10-14, 16-22

'556 Patent: Claims 1-6

'127 Patent: Claims 1-8

Due to the early stage of this litigation, the lack of discovery to date, including discovery concerning Defendants' products and services, and actions taken with respect to its products and services, and the absence of a claim construction order, the above identification is necessarily limited and preliminary in nature. Dyson reserves the right to amend, modify, supplement, or narrow these contentions pursuant to Patent Local Rule 3-6, including identifying additional Asserted Claims, as it obtains additional information over the course of discovery and in light of the Court's claim construction order.

**(b) Identification of Accused Instrumentalities.**

'250 Patent: For each of the asserted claims, the accused instrumentalities include the following, the full list of which Dyson expects discovery to reveal. For claims 1-4 and 8 of the '250 Patent, the accused instrumentalities include: Shark® Clean & Empty Cordless Stick Vacuum & Auto-Empty System, Shark® Cordless Detect Pro™, Shark® UltraLight Pet Pro Corded Stick Vacuum, Shark® Stratos® Corded Stick Vacuum, Shark® Vertex™ UltraLight™ Corded Stick Vacuum, Shark® UltraLight Pet Pro Corded Stick Vacuum, Shark® UltraLight Corded Stick Vacuum, Shark® Performance Corded UltraLight Vacuum, Shark® UltraLight Pet Plus Corded Stick Vacuum, Shark® UltraLight Pet Corded Stick Vacuum, Shark® UltraLight Corded Handheld Vacuum, Shark® Rocket® Stick Vacuum, Shark® APEX® Stick Vacuum, Shark® Rocket® Pro Corded Stick Vacuum, Shark® Rocket® Pro, Shark® Rocket® DuoClean® Corded Stick Vacuum, Shark® Rocket® UltraLight, Shark® Rocket® Corded Stick Vacuum, Shark® Rocket® DuoClean® Corded Stick Vacuum, Shark® Performance Rocket® Corded Stick Vacuum, Shark® Navigator™/Rocket® UltraLight with DuoClean, and Shark® Rocket® Hand Vacuum, the full list of which Dyson expects discovery to reveal. For claims 9-12 of the '250 Patent, the accused instrumentalities include: Shark® Rocket® Stick Vacuum, Shark® APEX®

Stick Vacuum, Shark® Rocket® Pro Corded Stick Vacuum, Shark® Rocket® Pro, Shark® Rocket® DuoClean® Corded Stick Vacuum, Shark® Rocket® UltraLight, Shark® Rocket® Corded Stick Vacuum, Shark® Rocket® DuoClean® Corded Stick Vacuum, Shark® Performance Rocket® Corded Stick Vacuum, Shark® Navigator™/Rocket® UltraLight with DuoClean, and Shark® Rocket® Hand Vacuum, the full list of which Dyson expects discovery to reveal.

'712 Patent: For each of the asserted claims, the accused instrumentalities include the following: Shark Cordless Pro vacuum cleaner line, Shark Vertex vacuum cleaner line, Shark Stratos vacuum cleaner line, Shark Rocket vacuum cleaner line, Shark Pet vacuum cleaner line, Shark Ultralight vacuum cleaner line, Shark APEX UpLight vacuum cleaner line, and SharkFLEX vacuum cleaner line, the full list of which Dyson expects discovery to reveal.

'745 Patent: For each of the asserted claims, the accused instrumentalities include the following, the full list of which Dyson expects discovery to reveal. For claims 1-15 of the '745 Patent, the the accused instrumentalities include: Shark® Clean & Empty Cordless Stick Vacuum & Auto-Empty System, Shark® Cordless Detect Pro™, Shark® Detect Pro Max Upright Vacuum, Shark® Stratos™ Cordless MultiFLEX® Vacuum, Shark® Cordless Pro with PowerFins®. For claims 1-7 and 9-15 of the '745 Patent, the the accused instrumentalities include: Shark® Vertex™ Pro Cordless, Shark® Cordless Pro Vacuum, Shark® Vertex™ Pro Lightweight Cordless Stick Vacuum, Shark® IONFlex™ DuoClean®, Shark ION™ F80 Cord-Free MultiFLEX®, Shark® ION™ X30, Shark® ION™ X40, Shark ION™ P50 Cord-Free Powered Lift-Away®, Shark® ION Rocket™, Shark® UltraLight Pet Pro Corded Stick Vacuum, Shark® Stratos® Corded Stick Vacuum, Shark® Vertex™ UltraLight™ Corded Stick Vacuum, Shark® UltraLight Pet Pro Corded Stick Vacuum, Shark® UltraLight Corded Stick Vacuum, Shark® Performance Corded UltraLight Vacuum, Shark® UltraLight Pet Plus Corded Stick Vacuum, Shark® Performance

Rocket® Corded Stick Vacuum, Shark® UltraLight Pet Corded Stick Vacuum, Shark® APEX® Powered Lift-Away®, Shark® Rotator® Pro Lift-Away®, Shark® Rotator® Powered Lift-Away® Speed, Shark® Rotator® Powered Lift-Away®, Shark® DuoClean® Powered Lift-Away®, Shark® APEX® Powered Lift-Away Speed™, Shark® Powered Lift-Away® DuoClean®, Shark® DuoClean® Slim, Shark® DuoClean® Lift-Away Speed™, Shark® APEX™ DuoClean™ Powered Lift-Away®, Shark® Pet Pro Cordless Stick Vacuum with MultiFLEX, Shark® Pet Cordless Stick Vacuum, Shark® Rocket® Pet Pro Cordless, Shark® Vertex™ DuoClean® PowerFins Lightweight Cordless Stick Vacuum, Shark® Vertex™ Lightweight Cordless Stick Vacuum, Shark® Rocket® PowerFins Cordless Vacuum, Shark® Rocket® Cordless Vacuum, Shark® Rocket® PowerFins Cordless Vacuum, Shark® Rocket® Pro Corded Stick Vacuum, Shark® Rocket® Stick Vacuum, Shark® APEX® Stick Vacuum, Shark® Rocket® Corded Stick Vacuum, Shark® Rocket® Pro, Shark® Rocket® DuoClean® Corded Stick Vacuum, SharkFLEX® DuoClean® Vacuum, Shark® Rocket® UltraLight, Shark® Rocket® Corded Stick Vacuum, Shark® Navigator™, Shark® Navigator® Lift-Away® ADV, Shark Rotator Swivel Pro Complete, Shark® Rotator® Pet Lift-Away® ADV with Odor Neutralizer, Shark® Lift-Away® with PowerFins® HairPro™ and Odor Neutralizer Technology, Shark® Rotator® Pet Pro Lift-Away® ADV with Odor Neutralizer Technology, Shark® Performance Plus Upright Vacuum, Shark® Rotator® Pet Upright Vacuum, Shark® Rotator® Powered Lift-Away®, Shark® Stratos™ DuoClean® Powered Lift-Away® with Odor Neutralizer, Shark® Vertex™ Upright Vacuum, Shark® APEX® Upright Vacuum, Shark® APEX® Powered Lift-Away®, Shark Rotator® Pet Plus, Shark® Lift-Away® with PowerFins® HairPro™ and Odor Neutralizer Technology, Shark® Rotator® Lift-Away® ADV Upright Vacuum, Shark® Navigator® Lift-Away® ADV, Shark Navigator® Swivel Pro Complete, Shark

Navigator® Pet Pro, Shark® DuoClean® with Zero-M® Lift-Away®, Shark® Performance Lift-Away®, Shark® Navigator® Lift-Away® ADV, Shark® Rotator® Lift-Away®, Shark® Navigator® Lift-Away® Speed, Shark Navigator® Professional, Shark® Rotator® Lift-Away® Pet, Shark Navigator® Swivel Pro, Shark Navigator® Powered Lift-Away®, Shark® Rotator® Powered Lift-Away Speed™, Shark® DuoClean® Powered Lift-Away Speed™, Shark® Navigator® Lift-Away®, Shark® Navigator® Lift-Away® Professional, Shark® Navigator® Lift-Away®, Shark® Lift-Away®, Shark® Rocket Powerhead, Shark® Vertex™, Shark® Rotator® Lift-Away® Pet with Self-Cleaning Brushroll, Shark® Wandvac® Cordless Self-Empty System, Shark® WANDVAC® System, Shark® WANDVAC™ System, Shark® WANDVAC™ System, Shark® APEX® UpLight™.

'731 Patent: For each of the asserted claims, the accused instrumentalities include the following: Shark® Pet Cordless Stick Vacuum line, the full list of which Dyson expects discovery to reveal.

'999 Patent: For each of the asserted claims, the accused instrumentalities include the following: Shark® Wandvac® Cordless Self-Empty System, Shark® WANDVAC® System, Shark® WANDVAC™ System, and Shark® WANDVAC™ System, the full list of which Dyson expects discovery to reveal.

'687 Patent: For each of the asserted claims, the accused instrumentalities include the following: Shark® Cordless Detect Pro™, Shark® Pet Cordless, Shark® Rocket® Pet Pro Cordless, Shark® Pet Pro Cordless Stick Vacuum with MultiFLEX, Shark® Vertex™ DuoClean® PowerFins Lightweight Cordless Stick Vacuum, Shark® Vertex™ Lightweight Cordless Stick Vacuum, Shark® Vertex™ Pro Lightweight Cordless Stick Vacuum, and Shark® Stratos™



Cordless MultiFLEX®, Shark® Rocket® PowerFins Cordless Vacuum, and Shark® Rocket® Cordless Vacuum, the full list of which Dyson expects discovery to reveal.

'655 Patent: For each of the asserted claims, the accused instrumentalities include the following: Shark Vertex vacuum cleaner line incorporating the DuoClean PowerFins cleaner head, Shark Stratos vacuum cleaner line incorporating the DuoClean PowerFins cleaner head, Shark Rotator Pet Lift-Away ADV Upright vacuum cleaner line incorporating the DuoClean PowerFins cleaner head, Shark Apex vacuum cleaner line incorporating the DuoClean with Zero-M cleaner head, and Shark POWERDETECT Upright vacuum cleaner line incorporating the DuoClean Detect cleaner head, the full list of which Dyson expects discovery to reveal.

'556 Patent: For each of the asserted claims, the accused instrumentalities include the following: Shark Vertex vacuum cleaner line incorporating the DuoClean PowerFins cleaner head, Shark Stratos vacuum cleaner line incorporating the DuoClean PowerFins cleaner head, Shark Rotator Pet Lift-Away ADV Upright vacuum cleaner line incorporating the DuoClean PowerFins cleaner head, Shark Apex vacuum cleaner line incorporating the DuoClean with Zero-M cleaner head, and Shark POWERDETECT Upright vacuum cleaner line incorporating the DuoClean Detect cleaner head, the full list of which Dyson expects discovery to reveal.

'127 Patent: For each of the asserted claims, the accused instrumentalities include the following: Shark Vertex vacuum cleaner line incorporating the DuoClean PowerFins cleaner head, Shark Stratos vacuum cleaner line incorporating the DuoClean PowerFins cleaner head, Shark Rotator Pet Lift-Away ADV Upright vacuum cleaner line incorporating the DuoClean PowerFins cleaner head, Shark Apex vacuum cleaner line incorporating the DuoClean with Zero-M cleaner head, and Shark POWERDETECT Upright vacuum cleaner line incorporating the DuoClean Detect cleaner head, the full list of which Dyson expects discovery to reveal.

Due to the early stage of this litigation, the lack of discovery to date, including discovery concerning Defendants' products and services, and actions taken with respect to its products and services, and the absence of a claim construction order, the above identification is necessarily limited and preliminary in nature. Dyson anticipates that discovery will reveal additional Accused Instrumentalities and/or products, features and/or services that infringe the Asserted Patents. Dyson reserves the right to amend, modify, supplement, or narrow these contentions pursuant to Patent Local Rule 3-6, including identifying additional Accused Instrumentalities, as it obtains additional information over the course of discovery and in light of the Court's claim construction order.

**(c) Claim Charts**

The claim charts required by Patent Local Rule 3-1(c) are attached as Exhibits A-1 to I-1. Based on the information presently known to Dyson, it does not identify any element that is governed by 35 U.S.C. 112(6), but Dyson reserves the right to identify such elements later based on additional information.

Dyson makes this disclosure based upon information presently known and reasonably available to it as of this date. This disclosure of asserted claims and infringement contentions, and the accompanying Appendices, are preliminary, as discovery has not yet commenced in this action, such that Defendants has not produced any technical documents. As its investigation is ongoing, Dyson reserves the right to amend, modify, supplement, and/or narrow any portion of this disclosure of asserted claims and infringement contentions, including, but not limited to, the identification of Asserted Claims, the products and/or services accused of infringement, and the bases and manner of infringement.

**(d) Doctrine of Equivalents**

Pursuant to P.R. 3-1(d), subject to Dyson's reservation of rights, based on the information presently known to Dyson, and without the benefit of relevant discovery or the Court's claim construction, Dyson states that each claim element is literally present in the accused products, as shown in the claim charts in Exhibits A-1 to I-1. Further, Dyson reserves the right to contend that any claim element found not to be literally met by the Accused Products is met under the doctrine of equivalents because there are no substantial differences for each claim element, and the Accused Products perform substantially the same function, in substantially the same way, to achieve substantially the same result as the claimed invention.

**(e) Priority Claims to Earlier Patent Applications**

Pursuant to P.R. 3-1(e), Dyson states that the asserted patents claim priority to the application(s) that are identified on the face of each patent, the priority dates of which are:

'250 Patent: July 18, 2006

'712 Patent: July 18, 2006

'745 Patent: January 18, 2005

'731 Patent: July 18, 2006

'999 Patent: November 28, 2008

'687 Patent: September 17, 2015

'655 Patent: July 16, 2010

'556 Patent: July 31, 2013

'127 Patent: July 24, 2014

(f) **Dyson's Instrumentalities**

For the '250 Patent, Dyson preserves the right to rely on the assertion that the following products practice this patent: DC16, DC34, DC35, DC44, DC56, DC56 Handheld, DC58, DC59, DC59 Motorhead, HH06, HH08, HH10, HH11, HH12, HH17, SV03, SV04, SV05, SV06, SV09, SV10, SV11, SV12, SV 14, SV 15, SV16, SV21, SV22, SV23, SV24, SV27, SV28, SV29, SV30, SV46, and SV47. For the '712 Patent, Dyson preserves the right to rely on the assertion that the following products practice this patent: DC16, DC34, DC35, DC44, DC56, and DC56 Handheld. For the '731 Patent, Dyson preserves the right to rely on the assertion that the following products practice this patent: DC34, DC35, DC44, DC56, DC56 Handheld, DC58, DC59, DC59 Motorhead, HH06, HH08, HH10, HH11, SV03, SV04, SV05, SV06, SV09, SV10, and SV11. For the '999 Patent, Dyson preserves the right to rely on the assertion that the following products practice this patent: CY17, CY18, CY19, CY27, DC28, DC33, DC34, DC35, DC39, DC39 Origin, DC40, DC41, DC44, DC50, DC56, DC56 Handheld, DC65, DC75, DC76, UP09, UP12, UP13, UP14, UP15, UP16, UP19, UP20, UP22, and UP24. For the '655 Patent, Dyson preserves the right to rely on the assertion that the following products practice this patent: SV10 variants incorporating the Fluffy cleaner head, SV25 variants incorporating the Fluffy cleaner head, SV37 variants incorporating the Fluffy cleaner head, SV30 variants incorporating the Fluffy cleaner head, SV46 variants incorporating the Fluffy cleaner head, SV22 variants incorporating the Fluffy cleaner head, SV47 variants incorporating the Fluffy cleaner head, SV23 variants incorporating the Fluffy cleaner head, SV24 variants incorporating the Fluffy cleaner head,, DC40, UP16, UP19, UP22, and UP24. For the '687 Patent, Dyson preserves the right to rely on the assertion that the following products practice this patent: SV12, SV14, SV15, SV16, SV21, SV22, SV23, SV24, SV27, SV28, SV29, SV30, SV46, SV47, HH12, and HH17. For the '556 and '127 Patents, Dyson preserves the

right to rely on the assertion that the following products practice this patent: SV10 variants incorporating the Fluffy cleaner head, SV25 variants incorporating the Fluffy cleaner head, SV37 variants incorporating the Fluffy cleaner head, SV30 variants incorporating the Fluffy cleaner head, SV46 variants incorporating the Fluffy cleaner head, SV22 variants incorporating the Fluffy cleaner head, SV47 variants incorporating the Fluffy cleaner head, SV23 variants incorporating the Fluffy cleaner head, and SV24 variants incorporating the Fluffy cleaner head.

**Local Patent Rule 3-2**

- (a) Documents falling within Local Patent Rule 3-2(a) are being produced with the following production numbers: none.
- (b) Documents falling within Local Patent Rule 3-2(b) are being produced with the following production numbers: DysonTX00002077-DysonTX00002382, DysonTX00005525-DysonTX00005739
- (c) Documents falling within Local Patent Rule 3-2(c) are being produced with the following production numbers: DysonTX00000001-DysonTX00000630, DysonTX00000658-DysonTX00001520, DysonTX00001538-DysonTX00002059, DysonTX00002383-DysonTX00005461.

Dyson reserves the right to supplement their production as Dyson obtains additional information during the course of discovery.

DATED: September 4, 2024

Respectfully submitted,

/s/ Jay Emerick

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on September 4, 2024 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Jay Emerick